THE HONOURABLE SRI JUSTICE N.V.RAMANA

Writ Petition No.23822 of 2006

Dated:15-11-2006

Between:

Ch. Dheeraj.

.....PETITIONER

AND

Jawaharlal Nehru Technological University,
Hyderabad, rep. by its Registrar and another.

....RESPONDENTS

THE HONOURABLE SRI JUSTICE N.V.RAMANA

W.P.No.23822 of 2006

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ORDER:

Questioning the action of the respondents in not permitting the petitioner to appear for first Semister Examination, B.Tech III year (Computer Science and Engineering), scheduled to be commenced from 16.11.2006, on the ground of shortage of attendance, the present writ petition is filed.

2. The petitioner is a student of III year B.Tech (Computer Science and Engineering) in the 2nd respondent institute. The case of the petitioner is that he suffered from jaundice and was bedridden from 26.06.2006 to 17.7.2006, resulting in shortage of attendance. His further case is that the 2nd respondent having accepted the examination fee did not intimate the short fall of attendance at the earliest point of time. The petitioner is said to have made several requests to the respondents to permit him to appear for the examinations, explaining the reasons for shortage of attendance, but the same were rejected. Hence, he filed the present writ petition.

3. Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the 2nd resppondent.

4. Learned counsel for the petitioner submits that the petitioner did not attend the college from 26.06.2006 to 17.7.2006 due to ill health and his

absence is neither willful nor wanton. He further submits that if the petitioner is not permitted to appear for the examinations on the ground of shortage of attendance, it would result in great hardship to him. He thus, prays to permit the petitioner to appear for the examinations.

5. On the other hand, learned Standing Counsel for the

2nd respondent submits that the minimum required attendance is 75%, and in deserving cases the respondents are empowered to condone the shortage by 10%.

6. It is the admitted case of the petitioner that he is having only 53% of attendance during III Year B.Tech. As per the academic regulations, the minimum attendance should be 75%, and another 10% attendance can be condoned in deserving cases. Thus, it is clear that no candidate can be permitted to appear for examination whose attendance falls short of 65%. Apart from that, in ***M. SUNIL CHAKRAVARTY v. PRINCIPAL, SREEKALAHASTEESWARA INSTITUTE OF TECHNOLOGY, SRIKALAHASTI, CHITOOR*** [1] a Division Bench of this Court held that shortage of attendance cannot be condoned against the rules. Inasmuch as the petitioner has only 53% attendance, which is far below the minimum required attendance, no exception can be taken to the action of the

respondents in not permitting the petitioner to appear for the examinations, and no direction can be given to the respondents to permit the petitioner to appear for examinations.

7. The Writ Petition is devoid of merit and is accordingly dismissed. No order as to costs.

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N.V. RAMANA, J.

Dated:15-11-2006

sj/ksr

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[1] 2005(1) ALD 253(DB)